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# Roth bucks Reagan line on naming agents

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Delaware Sen. William V. Roth Jr. surprised Republican colleagues by announcing his opposition to a White House-supported amendment that would allow the government to criminally prosecute reporters who disclose the names of intelligence agents.

Roth said Tuesday he will support a narrower version of the bill as amended in the Senate Judiciary Committee by his junior colleague, Sen. Joseph R. Biden Jr., D-Del.

Roth joined Biden in calling the proposed administration amendment to the bill unconstitutional.

Roth said: "I believe the modifications made in the Judiciary Committee, at the instigation of my able colleague from Delaware, Sen. Biden, preserve the basic purposes of the bill while eliminating any chilling effect that the threat of prosecution could have on legitimate news reporters and organizations."

A Republican Senator, who supports the amendment, and asked not to be identified, said of Roth's decision: "This happened at the worst time. We just had no warning. . . White House people counted on him on this."

Biden and Roth are both members of the Senate Intelligence Committee. Roth's departure from the administration line on

the bill and his expertise as a member of the intelligence panel is expected to make the vote on the amendment extremely close. Roth said in a telephone interview that "it could go either way. The leaders of both groups are trying to time the votes when less of the opposition is on the floor."

Roth's abandonment of the administration bill, which he originally co-sponsored, comes as the full Senate is set to vote today on the proposed Intelligence Identities Protection Act and the amendment.

Roth said he believes the administration version of the bill might "blunt the vital watchdog role of the press in seeking out and exposing wrongdoing by government officials or agencies."

Biden's version of the bill — the one the Senate will vote on — requires that the government closely examine the intent of anyone who has identified intelligence operatives names before considering prosecution.

Biden said the "intent question is the heart of the debate. A reporter charged with naming an agent can defend himself by saying his purpose was to expose corruption . . . but with the amendment what the reporters motives are mean nothing."

The administration proposal, which will now be introduced as an amendment to the Biden bill, allows prosecution of anyone if "there is reason to believe" the individual disclosing names intended to damage the United States intelligence gathering efforts.

Roth called the language of the proposed administration amendment "unnecessarily broad, and that it could tend to deter legitimate news organizations from pursuing and reporting information the disclosure of which would be in the public interest."

Biden said in a telephone interview Tuesday night that "I am hoping for a vote [today] . . . frankly that is when I am sure most of our votes will be in town."

Biden said he believes he has four more votes that are solid for his bill then for the amendment, but that the outcome may depend on the vote of several moderate Republicans.

Biden said that he had talked to Roth last week about his change of heart on the bill and "his decision is a real help."

Biden spent Tuesday on the Senate floor attempting to convince his colleagues to vote down the administration amendment.

The administration version of the bill passed the House of Representatives on Sept. 23 by a 354 to 46 vote. The original bill introduced in the House was successfully amended to include the broader administration preferred language.

U.S. Rep. Thomas B. Evans Jr., R-Del., co-sponsored and voted for

The legislation was first introduced to prevent publications like the Washington-based Covert Action Information Bulletin from releasing the names and locations of CIA and other intelligence operatives. In a recent issue, the bulletin said it would not publish any more agents names because of the pending legislation.

Former CIA agent Philip Agee has supplied names of his former colleagues to Bulletin Editor Louis

Wolfe from exile outside the United States, according to Wolfe.

Agee first became a controversial figure when he wrote an unauthorized book about life in the CIA called "Inside the Company: CIA Diary."

Following the 1975 publication of that book, and the machine gun assassination of the CIA station chief in Athens, Greece, Robert Welch, the CIA has been lobbying for legislation to prevent the disclosure of agents names.

Because of CIA wrongdoing chronicled by the Senate Intelligence Committee in 1975 and by reports in the media, serious legislation to protect agents did not develop strong political support until the final year of the Carter administration.

The bill before the Senate will allow for fines of \$15,000 and sentences of up to three years in jail for private citizens who disclose names, should it pass. For former government official who disclose names as Agee did, the penalty could be \$50,000 and 10 years in jail.

Roth said of his turnaround: "Something had to be done to protect our agents. When you co-sponsor you agree with the thrust of legislation, but maybe not all the details."

"But as I studied this I realized that two basic goals came into conflict, the freedom of the press and the safety of our intelligence agents and their families. Both are critically important to the welfare of our country. But after listening to the people who came before the intelligence committee and to several attorneys, I came down on the side

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